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Report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories

Applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to the Occupied Palestinian Territory, including East Jerusalem, and the other occupied Arab territories*

Report of the Secretary-General

1. The present report is submitted pursuant to General Assembly resolution 62/107, the operative part of which reads as follows:

> "*The General Assembly*,
>
> "...
>
> "1. *Reaffirms* that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967;
>
> "2. *Demands* that Israel accept the de jure applicability of the Convention in the Occupied Palestinian Territory, including East Jerusalem, and other Arab territories occupied by Israel since 1967, and that it comply scrupulously with the provisions of the Convention;
>
> "3. *Calls upon* all High Contracting Parties to the Convention, in accordance with article 1 common to the four Geneva Conventions and as mentioned in the advisory opinion of the International Court of Justice of 9 July 2004, to continue to exert all efforts to ensure respect for its provisions by Israel, the occupying Power, in the Occupied Palestinian Territory,

* The document was submitted late to the conference services without explanation required under paragraph 8 of General Assembly resolution 53/208 B, by which the Assembly decided, if a report is submitted late, the reason should be included in a footnote to the document.

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including East Jerusalem, and other Arab territories occupied by Israel since 1967;

"4. *Reiterates* the need for speedy implementation of the relevant recommendations contained in the resolutions adopted by the General Assembly at its tenth emergency special session, including resolution ES-10/15, with regard to ensuring respect by Israel, the occupying Power, for the provisions of the Convention;

"5. *Requests* the Secretary-General to report to the General Assembly at its sixty-third session on the implementation of the present resolution."

2. On 4 September 2008, the Secretary-General addressed a note verbale to the Government of Israel, in which he requested, in view of his reporting responsibilities under the above-mentioned resolution, that the Government inform him of any steps it had taken, or envisaged taking, concerning the implementation of the relevant provisions of the resolution.

3. No reply had been received at the time of the preparation of the present report.

4. By a note verbale dated 4 September 2008 sent to all permanent missions regarding General Assembly resolutions 62/107 and 62/110, the Secretary-General also drew the attention of all the High Contracting Parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War (Fourth Geneva Convention) to paragraph 3 of resolution 62/107 and paragraph 6 of resolution 62/110.

5. On 17 September 2008, the Permanent Mission of Lebanon replied to the note verbale informing the Secretary-General that the Government of Lebanon had participated in adopting Council of the League of Arab States resolutions 6927 and 6928 of 8 September 2008, which condemned, inter alia, violations of the Fourth Geneva Convention committed by Israel in the occupied Palestinian and other Arab territories.

6. On 22 September 2008, the Permanent Mission of Colombia replied to the note verbale informing the Secretary-General that, with regard to resolution 62/107, the Government of Colombia supported the implementation of the Fourth Geneva Convention in all conflict zones, including the Occupied Palestinian Territory, East Jerusalem and other occupied Arab territories.